

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KENNETH W. CROSBY,

Plaintiff,

v.

CR MEDICAL, LLC., *et al.*,

Defendants.

Case No. 2:18-cv-01554-GMN-GWF

REPORT AND RECOMMENDATION

On August 17, 2018 Plaintiff filed the instant lawsuit alleging wrongful denial of benefits under ERISA §502(a)(1)(B). On November 16, 2018 the Court granted Plaintiff's request to extend time to effectuate service for an additional ninety (90) days. ECF No. 10. On March 12, 2019 the Court issued a notice of intent to dismiss pursuant to Fed. R. Civ. P. 4(m) and warned Plaintiff that the instant action would be dismissed without prejudice unless proof of service as to all Defendants was filed by April 11, 2019. ECF No. 15. To date, Plaintiff has failed to file his Proof of Service as to all Defendants, in accordance with Fed. R. Civ. P. 4(m) and Local Rules 4-1 and 5-1.

Fed. R. Civ. P. 4(m) provides that "if a defendant is not served within 90 days after the complaint is filed, the court... must dismiss the action without prejudice against that defendant or order that service be made within a specific time." This action was filed approximately 287 days ago yet Defendants have not been served. Thus, Plaintiff is in violation of the Fed. R. Civ. P. 4(m). Accordingly,

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NOTICE

Dated this 31st day of May, 2019.

George Foley Jr.

GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE